

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

RUTH MARIE TROXLER,	:	CIVIL ACTION NO. 1:13-CV-2784
	:	
Plaintiff,	:	(Chief Judge Conner)
	:	
v.	:	
	:	
MONEY GRAM INTERNATIONAL, INC.,	:	
	:	
Defendant.	:	

ORDER

AND NOW, this 28th day of January, 2014, upon consideration of the report and recommendation (Doc. 8) of Magistrate Judge Thomas M. Blewitt, recommending that the court grant the *pro se* plaintiff's motion (Doc. 5) for leave to proceed *in forma pauperis* but dismiss the amended complaint (Doc. 7) as time-barred and because the relief sought by the *pro se* plaintiff therein may be available in a pending and related criminal case, (*id.* at 6-9 (suggesting that plaintiff might file a petition for remission in United States v. Money Gram Int'l, Inc., No. 1:12-CR-0291 (M.D. Pa.))), and, following an independent review of the record, the court being in agreement with the magistrate judge that plaintiff's claims are subject to and time-barred by the four-year statute of limitations applicable to civil claims under the Racketeering Influenced and Corrupt Organizations ("RICO") Act, 18 U.S.C. § 1961 *et seq.*, see Agency Holding Corp. v. Malley-Duff Assocs., 483 U.S. 143, 156 (1987) (four-year limitations period applicable to antitrust actions applies equally to civil RICO actions), and that leave to amend would be futile because plaintiff has already filed an amended pleading, see Alston v. Parker, 363 F.3d 229, 235 (3d Cir. 2004) (acknowledging that leave to amend should be liberally granted

but carving out exception for claims which are clearly futile), and it further appearing that neither party has objected to the report, and that there is no clear error on the face of the record,¹ see Nara v. Frank, 488 F.3d 187, 194 (3d Cir. 2007) (explaining that “failing to timely object to [a report and recommendation] in a civil proceeding may result in forfeiture of *de novo* review at the district court level”), it is hereby ORDERED that:

1. The report of the magistrate judge (Doc. 8) recommending dismissal of the plaintiff’s amended complaint (Doc. 7) is ADOPTED in its entirety.
2. The motion (Doc. 5) for leave to proceed *in forma pauperis* is GRANTED.
3. The amended complaint (Doc. 7) is DISMISSED with prejudice.

¹ When parties fail to file timely objections to a magistrate judge’s report and recommendation, the Federal Magistrates Act does not require a district court to review the report before accepting it. Thomas v. Arn, 474 U.S. 140, 149 (1985). As a matter of good practice, however, the Third Circuit expects courts to “afford some level of review to dispositive legal issues raised by the report.” Henderson v. Carlson, 812 F.2d 874, 878 (3d Cir. 1987). The advisory committee notes to Rule 72(b) of the Federal Rules of Civil Procedure indicate that “[w]hen no timely objection is filed, the court need only satisfy itself that there is no clear error on the face of the record in order to accept the recommendation.” FED. R. CIV. P. 72(b), advisory committee notes; see also Henderson, 812 F.2d at 878-79 (stating that “the failure of a party to object to a magistrate’s legal conclusions may result in the loss of the right to *de novo* review in the district court”); Tice v. Wilson, 425 F. Supp. 2d 676, 680 (W.D. Pa. 2006) (holding that the court’s review is conducted under the “plain error” standard); Cruz v. Chater, 990 F. Supp. 375-78 (M.D. Pa. 1998) (holding that the court’s review is limited to ascertaining whether there is “clear error on the face of the record”); Oldrati v. Apfel, 33 F. Supp. 2d 397, 399 (E.D. Pa. 1998) (holding that the court will review the report and recommendation for “clear error”). The court has reviewed the magistrate judge’s report and recommendation in accordance with this Third Circuit directive.

4. No certificate of appealability shall issue.
5. The Clerk of Court is DIRECTED to close this case.

/S/ CHRISTOPHER C. CONNER
Christopher C. Conner, Chief Judge
United States District Court
Middle District of Pennsylvania